

United States Bankruptcy Court

Western District Of Oklahoma

In re Michael L. Calloway, Sr. &
Lillie E. Calloway Debtor

Red River Roofing & Construction, Inc.

Plaintiff

Michael L. Calloway, Sr. & Lillie E. Calloway,
Defendant

Case No. 09-16011-SAH

Chapter 7

Adv. Proc. No. 10-01043-SAH

BILL OF COSTS

Notice is given that the following Bill of Costs will be presented to the bankruptcy clerk at the following place and time:

Address 215 Dean A. McGee Ave. Oklahoma City, OK 73102	Room 147*
	Date and Time 12/28/10 @ 10:00 a.m.

*court clerk's
office

Judgment was entered in the above entitled action on November 10, 2010 against Lillie E. Calloway
(date)

The clerk of the bankruptcy court is requested to tax the following as costs:

Fees of the clerk	PX-2	\$ 250.00
Fees for service of summons and complaint		\$
Fees of the court reporter for any and all part of the transcript necessarily obtained for use in the case. (x2) \$186.50 + \$693.51 PX-3 & PX-4		\$ 880.01
Fees and disbursements for printing		\$
Fees for witnesses (itemized on reverse)		\$
Fees for exemplifications and copies of papers necessarily obtained for use in this case PX-5 thru PX-10		\$ 633.01
Docket fees under 28 U.S.C. § 1923		\$
Costs incident to taking of depositions		\$
Costs as shown on Mandate of appellate court		\$
Other costs [Please itemize]		\$
TOTAL		\$ 1763.02

DECLARATION

I, attorney for Red River Roofing & Construction, Inc. declare under penalties of perjury that the
(name of party)

foregoing costs are correct and were necessarily incurred in this action, that the services for which fees have been charged were actually and necessarily performed, and that a copy of this Bill of Costs was mailed this day with postage fully prepaid to:

Name and Address of Judgment Debtor

Michael L. Calloway, Sr. & Lillie E. Calloway
PO Box 2031
Edmond, OK 73083-2031

November 24, 2010
Date

Signature of Attorney

COSTS ARE TAXED IN THE FOLLOWING AMOUNT AND INCLUDED IN THE JUDGMENT: \$

Clerk of the Bankruptcy Court.

By:

Deputy Clerk

Date _____

NOTICE

Section 1924, Title 28, U.S. Code provides:

“Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed.”

Section 1920 of Title 28 reads in part as follows:

“A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree.”

The Federal Rules of Bankruptcy Procedure contain the following provisions:

Rule 7054(b)

“COSTS. The court may allow costs to the prevailing party except when a statute of the United States or these rules otherwise provides. Costs against the United States, its officers and agencies shall be imposed only to the extent permitted by law. Costs may be taxed by the clerk on one day’s notice; on motion served within five days thereafter, the action of the clerk may be reviewed by the court.”

Rule 9006(f)

“ADDITIONAL TIME AFTER SERVICE BY MAIL. When there is a right or requirement to do some act or undertake some proceedings within a prescribed period after service of a notice or other paper and the notice or paper other than process is served by mail, three days shall be added to the prescribed period.”

Rule 9021, incorporating Federal Rule of Civil Procedure 58

“Entry of the judgment shall not be delayed . . . in order to tax costs.”



Dated: November 10, 2010 10:26:24

The following is ORDERED:

A handwritten signature in black ink, reading "Sarah A. Hall".

Sarah A Hall
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF OKLAHOMA

In re:)	
)	
MICHAEL L. CALLOWAY SR. And)	Case No. 09-16011-SAH
LILLIE E. CALLOWAY,)	Chapter 7
)	
Debtors.)	
)	
)	
RED RIVER ROOFING AND)	
CONSTRUCTION, INC.,)	
)	
Plaintiff,)	
)	
v.)	ADV. No. 10-01043-SAH
)	
MICHAEL L. CALLOWAY, SR. AND)	
LILLIE E. CALLOWAY,)	
)	
Defendants.)	

JUDGMENT AND ORDER DENYING DISCHARGE
(11 U.S.C. § 727(a)(4))

This matter came on for hearing on October 27, 2010 pursuant to plaintiff Red River Roofing and Construction, Inc.'s summary judgment motion (adversary docket sheet item No. 27, filed



B 10-091

September 17, 2010) ("Motion"), and supporting appendix (adversary docket sheet item No. 28). Plaintiff's complaint (adversary docket sheet item No. 1) asserted claims against the debtors/defendants, Michael L. Calloway, Sr. and Lillie E. Calloway, under 11 U.S.C. §§ 727(a)(2), (a)(3), (a)(4) and (a)(5). Plaintiff's complaint also asserted claims under 11 U.S.C. §§ 523(a)(2) and (a)(6). In the Motion, plaintiff moved for summary judgment against both debtors/defendants on its claim under 11 U.S.C. § 727(a)(4)(i.e., false oath).

Plaintiff appeared at the hearing through counsel, David L. Nunn. Debtor/defendant Michael L. Calloway (only) filed a response (docket sheet item no. 38) and he (only) appeared at the hearing. The court announced "of record" detailed findings of facts and conclusions of law. In consideration of the Motion, Michael Calloway's response, the record and evidence before the court, and the events of the hearing, the court finds that the Motion should be, and is hereby, granted. Specifically, it is hereby ORDERED, ADJUDGED, AND DECREED, that pursuant to 11 U.S.C. § 727(a)(4), debtor/defendant Michael L. Calloway, Sr. and debtor/defendant Lillie E. Calloway, should be denied, and are hereby denied, their discharge under 11 U.S.C. § 727.

The court further finds that plaintiff's claims under 11 U.S.C. §§ 727(a)(2), (a)(3), and (a)(5), and 523(a)(2) and (a)(6), are mooted by the court's judgment in favor of plaintiff on its § 727(a)(4) claims and the denial of each debtor/defendant's discharge. Accordingly, this judgment and order is, and shall be deemed to be, a final judgment resolving all claims at issue in the case. (Any claim by plaintiff for attorney fees and/or costs are hereby reserved, and shall be asserted by the methods and within the times prescribed by Fed. R. Civ. P. 54(d)).

###

Prepared by:

/s/ David L. Nunn

DAVID L. NUNN, OBA #14512

- Of the Firm -

DAVID L. NUNN, P.C.

PO Box 230

Edmond, OK 73083-0230

405-330-4053

405-330-8470 (fax)

ATTORNEY FOR PLAINTIFF

U.S. Bankruptcy Court
Western District of Oklahoma
Internet Payment History for Nunn , David L.
3/26/2010 to 3/26/2010

Date Paid	Description	Payment Method	Receipt #	Amount
2010-03-26 13:34:04	Red River Roofing and Construction, Inc. v. Calloway et al Complaint(10-01043) [cmp,cmp] (250.00)	credit card	2242980	\$ 250.00



Vicki Beeler, CSR
 Certified Shorthand Reporter
 2521 Northwest 58th Place
 Oklahoma City, Oklahoma 73112

Invoice

DATE

7/27/2010

INVOICE #

681

INVOICE TO

Mr. David L. Nunn
 17 East First Street
 Edmond, Oklahoma 73034

CASE STYLE

Court: US Bankruptcy/Western
 Case No: 09-16011-BH
 In Re: Michael Calloway &
 Lillie Calloway, Debtors.

DESCRIPTION

Transcript of Proceedings of Meeting of Creditors
 Held December 8, 2009 before Lyle R. Nelson, Trustee.

POSTED

Thank you for your business! Vicki Beeler, CSR SS # [REDACTED] 8537

Total

186.50

**PLAINTIFF'S
 EXHIBIT**

3

tabbles

Vicki Beeler, CSR
Certified Shorthand Reporter
2521 Northwest 58th Place
Oklahoma City, Oklahoma 73112

Invoice

DATE

1/23/2010

INVOICE #

653

INVOICE TO

Mr. David L. Nunn
17 East First Street
Edmond, Oklahoma 73034

CASE STYLE

Court: US Bankruptcy/Western
Case No: 09-16011-BH
In re: Michael L. Calloway
and Lillie Calloway, Debtors.

DESCRIPTION

Rule 2004 Exam of Michael L. Calloway.

Date: January 21, 2010.

Location: Edmond, Oklahoma.

Original and One Copy of the Deposition.

Condensed Transcript & Word Index.

Exhibits Attached.

Thank you for your business!
Vicki Beeler, CSR Tax # [REDACTED]-8537

Total

693.51



From: <ArkansasGovPay@ark.org>
 To: [REDACTED]@DAVIDLNUNNPC.COM>
 Sent: Tuesday, August 17, 2010 2:43 PM
 Subject: Arkansas GovPay Receipt

Thank you. Your payment is complete.
 Your account will be charged by Arkansas GovPay - Arkansas Government Services.

Service Item	Amount	Qty.	Instructions
1. Copies Business Services	\$6.00	1	1396021 CC 800093358

Payment Summary

Amount Paid:	\$6.00
Transaction Fee:	\$1.00
Total:	\$7.00
Payment Status:	Complete
Order Date/Time:	08/17/2010 02:43 PM
Order Id:	20100817024200265
Name on card:	DAVID L. NUNN
Email Address:	[REDACTED]@DAVIDLNUNNPC.COM
Phone Number:	405-330-4053
Address:	[REDACTED] EDMOND, OK 73003, UNITED STATES
Card number:	*****2005
Expiration:	[REDACTED]

*Redactions
made by
David L. Nunn
on 11/23/10.*

No virus found in this incoming message.
 Checked by AVG - www.avg.com
 Version: 8.5.441 / Virus Database: 271.1.1/3077 - Release Date: 08/17/10 06:35:00



RR / C. [signature]

POSTED

8/17/2010

Business Services Division
State Capitol
Little Rock, Arkansas 72201-1094



Charlie Daniels
Secretary of State

Office of the Secretary of State
Packing Slip

August 17, 2010

Page 1 of 1

DAVID L. NUNN, PC

~~REDACTED~~

P. O. Box 230

Edmond, OK 73083 USA

en 11/23/10

QA/callaway

Batch Number: 1396021

Batch Date: 8-17-2010

Client ID: 214569794

Return Method: Mail

Total Charges	\$6.00
Total Amount Credited to Client Account	\$0.00

User: J. Butler

Document Number	Document Detail	Filing Number / Name	Page Count	Fee
13960210002	D. Certified copies of a record or document	A PLUS MEDICAL CARE OF ARKANSAS, INC. 800093358	2	\$6.00
		Total Document Fees		\$6.00

Payment Type	Payment Status	Payment Reference	Payment Amount
Cash	Retained	1396021	\$6.00
		Total Payments Received	\$6.00

Notice per Act 1008 of 2007 - A corporate filing with the Arkansas Secretary of State does not necessarily give you the right to use your proposed corporate name, corporate name, assumed or fictitious name in this state if the use violates someone else's trade name, trademark, or service mark rights under the trademark laws of the United States, this state, or the common law. Prior to your use of the name, you are encouraged to research the names and marks of other parties used or registered in this state, or registered in the United States Patent and Trademark Office, or consult an attorney to determine the existence of any conflicting rights.

Notice to all Online Customers:

The processing fee charged by INA for online filings will NOT show on this receipt. Please refer to the online receipt you received via email for the total amount paid.

AX
POSTED

Thank you. Your payment is complete.

Your account will be charged by Arkansas GovPay - Arkansas Government Services.

Service Item	Amount	Qty.	Instructions
1. Copies Business Services	\$6.00	1	1396021 CC 800093358

Payment Summary

Amount Paid:	\$6.00
Transaction Fee:	\$1.00
Total:	\$7.00
Payment Status:	Complete
Order Date/Time:	08/17/2010 02:43 PM
Order Id:	20100817024200265
Name on card:	DAVID L. NUNN
Email Address:	DAVIDLNUNN@DAVIDLNUNNPC.COM
Phone Number:	405-330-4053
Address:	EDMOND, OK 73003, UNITED STATES
Card number:	*****2005
Expiration:	



OKLAHOMA SECRETARY OF STATE

M, Susan Savage
Secretary of State

2300 N. Lincoln Blvd., Room 101
Oklahoma City, OK 73105-4897

Brad Henry
Governor

August 3, 2010

STATEMENT

Page 1 of

DAVID L. NUNN, P.C.
17 EAST FIRST STREET
EDMOND OK 73034

Client ID: 58014199

Process Date:

Receive Date: 8/3/10

Document Number	Document Detail	Filing Number	Entity Name	Page Count	Fee
15129890002	Certified copies of a record or document	1900568400	A PLUS MEDICAL CARE INC.	3	\$13.00
15129890002	Certified copies of a record or document	1912090981	A PLUS MEDICAL CARE OF OKLAHOMA, INC.	2	\$12.00
15129890002	Certified copies of a record or document	1900566152	ADVANCED MEDICAL & RESPIRATORY SERVICES, INC.	3	\$13.00
15129890002	Certified copies of a record or document	3512202552	ALL IN ONE PROPERTY MANAGEMENT SERVICES, LLC	3	\$13.00
15129890002	Certified copies of a record or document	1912166326	ALL IN ONE PROPERTY MANAGEMENT SERVICES, INC.	3	\$13.00
15129890002	Certified copies of a record or document	3512219634	CORNERSTONE ESTATE PLANNING, LLC	2	\$12.00
15129890002	Certified copies of a record or document	3512075560	HIGH EXPECTATIONS, LLC	2	\$12.00
15129890002	Certified copies of a record or document	1900627860	MEDICAL ENTERPRISES, INC.	3	\$13.00
15129890002	Certified copies of a record or document	3512126352	PART-TIME SERVICES LLC	2	\$12.00
15129890002	Certified copies of a record or document	1912170281	PERCEPTION CONSULTING, INC.	3	\$13.00
15129890002	Certified copies of a record or document	3512202553	PERCEPTION CONSULTING, LLC	3	\$13.00
15129890002	Certified copies of a record or document	3512214069	PREMIER PROVIDERS, LLC	2	\$12.00
15129890002	Certified copies of a record or document	1912152462	THE NEXT LEVEL SPORTS MANAGEMENT, INC.	3	\$13.00
15129890002	Certified copies of a record or document	3512219632	VEMAC, LLC	4	\$14.00

POSTED

Payment Due 178.00



Total Document Fees	\$178.00
----------------------------	-----------------

Payment Type	Payment Status	Payment Reference	Amount
Walk-In/Blank Check	Received		\$0.00

Total Payments Received	\$0.00
--------------------------------	---------------

Total Amount Charged to Client Account	\$178.00
---	-----------------

Total Amount Credited to Client Account	\$0.00
--	---------------

Note: Total Amount Credited to Client Account will be refunded within 15 days of receipt of written request.

Evidence of Filed Document(s) or Orders(s) requested is enclosed.

Please include Client ID number on all correspondence.

**Read Message**[Previous](#)[Next](#)[Back to: Inbox](#)

From: ArkansasGovPay@ark.org

Date: 2010/08/26 Thu PM 02:18:04 CDT

To: DNUNN@DAVIDLNUNNPC.COM

Subject: Arkansas GovPay Receipt

[Reply](#)[Reply All](#)[Forward](#)[Delete](#)

Move To: (Choose Folder)

Thank you. Your payment is complete.
Your account will be charged by Arkansas GovPay - Arkansas Government Services.

Service Item	Amount	Qty.	Instructions
1. Copies Business Services	\$2.50	1	1398513 RC 800104430

Payment Summary

Amount Paid:	\$2.50
Transaction Fee:	\$1.00
Total:	\$3.50
Payment Status:	Complete
Order Date/Time:	08/26/2010 02:18 PM
Order Id:	20100826021635770
Name on card:	DAVID L. NUNN
Email Address:	DNUNN@DAVIDLNUNNPC.COM
Phone Number:	405-330-4053
Address:	EDMOND, OK 73003, UNITED STATES
Card number:	*****2005
Expiration:	

*Redactions
made by
L. NUNN on
11/23/10*

[Reply](#)[Reply All](#)[Forward](#)[Delete](#)

Move To: (Choose Folder)

[Search Messages](#)[Previous](#)[Next](#)[Back to: Inbox](#)

© 2001 Openwave Systems, Inc. All Rights Reserved

[Help](#)**POSTED**

Thank you. Your payment is complete.
Your account will be charged by Arkansas GovPay - Arkansas Government Services.

Service Item	Amount	Qty.	Instructions
1. Copies Business Services	\$5.50	1	1400802 CC 800104430

Payment Summary

Amount Paid:	\$5.50
Transaction Fee:	\$1.00
Total:	\$6.50
Payment Status:	Complete
Order Date/Time:	09/07/2010 02:17 PM
Order Id:	20100907021628587
Name on card:	DAVID L. NUNN
Email Address:	DNUNN@DAVIDLNUNNPC.COM
Phone Number:	405-330-4053
Address:	1000 N. G. ST. EDMOND, OK 73003, UNITED STATES
Card number:	*****2005
Expiration:	02/10

POSTED

R D / Callaway



Business Services Division
 State Capitol
 Little Rock, Arkansas 72201-1094



Charlie Daniels
 Secretary of State

Office of the Secretary of State
 Packing Slip

September 07, 2010

Page 1 of 1

DAVID L. NUNN, P.C. ATTORNEY AT LAW

[REDACTED]

P. O. Box 230
 Edmond, OK 73083 USA

Batch Number: 1400802

Batch Date: 9-7-2010

Client ID: 214841333

Return Method: Mail

Total Charges	\$5.50
Total Amount Credited to Client Account	\$0.00

User: J. Butler

Document Number	Document Detail	Filing Number / Name	Page Count	Fee
14008020002	D. Certified copies of a record or document	MACSCO LLC 800104430	1	\$5.50
Total Document Fees				\$5.50

Payment Type	Payment Status	Payment Reference	Payment Amount
Cash	Retained	1400802	\$5.50
Total Payments Received			\$5.50

Notice per Act 1008 of 2007 - A corporate filing with the Arkansas Secretary of State does not necessarily give you the right to use your proposed corporate name, corporate name, assumed or fictitious name in this state if the use violates someone else's trade name, trademark, or service mark rights under the trademark laws of the United States, this state, or the common law. Prior to your use of the name, you are encouraged to research the names and marks of other parties used or registered in this state, or registered in the United States Patent and Trademark Office, or consult an attorney to determine the existence of any conflicting rights.

Notice to all Online Customers:

The processing fee charged by INA for online filings will NOT show on this receipt. Please refer to the online receipt you received via email for the total amount paid.

FedEx Office 

R. H. Callaway

FedEx Office is your destination
for printing and shipping.

POSTED

101 E 2nd St
Edmond, OK 73034-3813
Tel: (405) 340-9339

9/16/2010 3:02:31 PM CST
Team Member: Derek D.

SALE

Auto-Feed ScantoPDF	379 @	0.2500 T
2862 Regular Price	0.25	
DC Media CD Master	1 @	9.9500 T
1447 Regular Price	9.95	

Regular Total	104.70
Discounts	0.00

Total	104.70
--------------	---------------

Sub-Total	104.70
Tax	8.11
Deposit	0.00

Total	112.81
--------------	---------------

AmEx (S)	112.81
----------	--------

Account: 2005
Auth: 542622 (A)

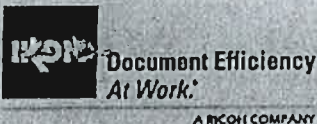
Total Tender	112.81
Change Due	0.00

Total Discounts	0.00
------------------------	-------------



David Nunn





IKON Office Solutions - Oklahoma City, OK
 Phone: (405) 232-3141 Fax: (405) 232-4138
 Federal ID: 230334400

INVOICE

Invoice #	OKC10090114
Invoice Date:	09/17/2010
Due Date:	10/17/2010
Terms:	Net 30 Days
Customer Code:	OKC-NUN
Natl ID:	33350

BILL TO:
NUNN, DAVID
 PO BOX 230
 EDMOND, OK 73083-0230

SHIP TO:
NUNN, DAVID
 PO BOX 230
 EDMOND, OK 73083-0230

Price using: STANDARD Price

Attn: DAVID NUNN

Reference / Case #	Reference 2	Reference 3	Account Manager
CALLOWAY			House Account - Outside Terr

Sales Order	Order Date	Ordered By	Quantity	Unit Price	Extension
SO-1009-0100	09/17/2010	DAVID NUNN - NUNN, DAVID			
600	Binds - Acco		8.00	2.5000	20.00
565	B&W Copies A - Autofeed		2,667.00	0.0800	213.36

POSTED

Please Pay From This Invoice		Taxable Sales:	233.36
Customer's duly authorized signature below is an agreement that the above-described work, project or deliverable has been received and accepted by Customer and Customer hereby agrees that such work, project or deliverable is complete and satisfactory for all purposes. Customer assures payment of this invoice when due. Interest at the rate of the lesser of 1.5% per month or the maximum rate permitted by law, will be charged on invoices not paid timely. Customer agrees to pay reasonable legal fees incurred in connection of past due accounts.		Sales Tax:	18.09
		Non-Taxable:	0.00
		Postage:	0.00
		Delivery:	0.00
		PAY THIS AMOUNT \$	251.45

THE PERSON SIGNING THIS INVOICE ON BEHALF OF CUSTOMER REPRESENTS THAT HE/SHE HAS THE AUTHORITY TO DO SO

Received and Accepted by: _____ Date: _____

Please pay from this copy. The party named on this bill is held responsible for payment.

Payment From:
NUNN, DAVID
 PO BOX 230
 EDMOND, OK 73083-0230

Amount Enclosed
\$

Invoice: OKC10090114

Invoice Date: 09/17/2010
 Due Date: 10/17/2010
 Customer Code: OKC-NUN
 Natl ID: 33350

Please Remit To:
 IKON Office Solutions
 Dallas District - OKC
 P O Box 676466
 Dallas, TX 75267-6466



PAY THIS AMOUNT \$ 251.45